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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,848	08/27/2001	Guy T. Blalock	3578 . IUS (92-555.1)	3166
24247	7590	03/26/2003	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			LEURIG, SHARLENE L	
		ART UNIT	PAPER NUMBER	
		2879	DATE MAILED: 03/26/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application No.	CJW Applicant(s)	
	09/939,848	BLALOCK ET AL.	
	Examiner Sharlene Leurig	Art Unit 2879	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Period for Reply</b>			
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>			
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>27 November 2001</u> .			
2a) <input type="checkbox"/> This action is FINAL.                    2b) <input checked="" type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
<b>Disposition of Claims</b>			
4) <input checked="" type="checkbox"/> Claim(s) <u>1-26</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1-26</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
<b>Application Papers</b>			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>27 August 2001</u> is/are: a) <input type="checkbox"/> accepted or b) <input checked="" type="checkbox"/> objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.			
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of: 1. <input type="checkbox"/> Certified copies of the priority documents have been received. 2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____. 3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.			
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.			
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.			
<b>Attachment(s)</b>			
1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2,3</u> .		6) <input type="checkbox"/> Other: _____	

## DETAILED ACTION

### *Drawings*

1. Figures 18-23 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 16 and 24 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not enable a redeposition material present on the finished field emission array. The field emission array with the redeposition material appears to be an intermediate product.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Hobart et al. (6,201,342). Hobart discloses a field emission tip with a structure comprising at least one of a semiconductive material and a conductive material (column 3, lines 21-48), also having a periphery with a vertical sidewall portion (Figure 1, element 14) and an apex (18) at the top of the structure.

Regarding claim 2, Hobart discloses a height of the vertical sidewall portion exceeding the width of the structure (Figure 1, element 14).

Regarding claims 3, 9 and 14, Hobart discloses an apex comprising a low work function material (column 8, lines 47-49).

Regarding claims 4,10 and 15 the low work function material is selected from the group comprising aluminum titanium silicide, titanium silicide nitride, titanium nitride, tri-chromium mono-silicon, and tantalum nitride (column 3, lines 21-48).

Regarding claims 5-8 and 17-18, the apex has a lateral width of less than 100 nm and 50 nm (column 7, lines 62-63).

Regarding claim 11, Hobart discloses a field emission array with a substrate (Figure 1, element 12), and at least a portion of the periphery (14) oriented perpendicularly relative to the substrate, and all the limitations discussed above.

Regarding claim 12, a portion of the periphery (14) is adjacent the substrate.

Regarding claim 13, the height of a portion of the periphery (14) relative to the substrate exceeds a width of substantially pointed tip (column 3, lines 49-57).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hobart et al. (6,201,342) in view of applicant's admission of the prior art.

Hobart discloses a field emission display with all the limitations discussed above including an anode display screen (24), a cathode spaced apart from the anode display screen, the cathode including a substrate (Figure 1, element 12), a pointed tip (18) comprising at least one of a semiconductive material and a conductive material, at least one pointed tip including a periphery (14), at least a portion of the periphery oriented substantially perpendicularly relative to the substrate, and a gate layer (20) through which the pointed tip is exposed, and a voltage source associated with the anode display screen, the gate, and the cathode to provide a potential difference between the cathode and the gate and between the cathode and the anode display screen (Figure 1, voltage elements).

Regarding claim 20, Hobart discloses a portion of the periphery (14) adjacent the substrate.

Regarding claim 21, the height of a portion of the periphery (14) relative to the substrate exceeds a width of substantially pointed tip (column 3, lines 49-57).

Regarding claim 22, Hobart discloses a top portion of the pointed tip comprising a low work function material (column 8, lines 47-49).

Regarding claim 23, the low work function material is selected from the group comprising aluminum titanium silicide, titanium silicide nitride, titanium nitride, trichromium mono-silicon, and tantalum nitride (column 3, lines 21-48).

Regarding claims 25 and 26, the apex has a diameter of less than 100 nm and 50 nm (column 7, lines 62-63).

Hobart lacks explicit disclosure of a vacuum between the anode and the cathode.

It is well known in the art to provide a vacuum between the anode and the cathode in a field emission device.

The applicant's admission of the prior art teaches a vacuum between the anode and the cathode (page 2, paragraph 0004, line 2).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Hobart's field emission array with a vacuum in between the anode and the cathode to provide a functioning flat display device, as is well known in the art.

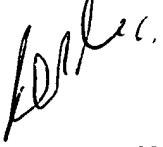
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharlene Leurig whose telephone number is (703)305-4745. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (703)305-4794. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Sharlene Leurig  
March 13, 2003  
*SL*

  
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